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5 IN THE UNITED STATES DISTRICT COURT
6 FOR THE WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8
9 MARK MAYES,

10 Plaintiff,

11 v.

12 ALEXANDER OHASHI, *et al.*,

13
14 Defendants.

Case No. C18-0696 RSM

ORDER GRANTING MOTION FOR
SERVICE BY U.S. MARSHAL

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16 **I. INTRODUCTION**

17 This matter comes before the Court on Plaintiff's Motion for Service of Summons by
18 U.S. Marshal. Dkt. #7. Plaintiff is proceeding in this matter *in forma pauperis* and therefore
19 seeks assistance with service of the Summons and Complaint on Defendant Ohashi. For the
20 reasons below, the Court GRANTS the motion.
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22 **II. DISCUSSION**

23 Federal Rule of Civil Procedure 4(c)(3) provides:
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25 At the plaintiff's request, the court may order that service be made by a
26 United States marshal or deputy marshal or by a person specially
27 appointed by the court. The court must so order if the plaintiff is
28 authorized to proceed *in forma pauperis* under 28 U.S.C. § 1915 or as a
seaman under 28 U.S.C. § 1916.

29 The Rule allows the Court to order service by the Marshal when requested, and
30 mandates it for *in forma pauperis* prisoner plaintiffs proceeding under 28 U.S.C. § 1915.

1 Although Plaintiff was granted leave to proceed *in forma pauperis* in this Court, he is not a
2 prisoner. Thus, service by U.S. Marshal is not mandated. However, the Court recognizes
3 that Plaintiff has limited means and the Court should assist in the service of this matter.
4 Plaintiff has provided sufficient information to effect service of the Summons and
5 Complaint. Accordingly, the Court GRANTS his motion.
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7 8 III. CONCLUSION

9 Having reviewed Plaintiff's motion, and for the reasons stated above, the Court
10 hereby finds and ORDERS:
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- 12 1. Plaintiff's Motion for Service by U.S. Marshal (Dkt. #7) is GRANTED.
- 13 2. The Clerk SHALL issue Summons to Alexander Ohashi at the following address:
14 411 University Street, Seattle, WA 98101.
- 15 3. The United States Marshal shall send the following to Defendant Alexander
16 Ohashi by first class mail:
 - 17 a. a copy of the Complaint (Dkt. #5) and of this Order;
 - 18 b. a copy of the Summons;
 - 19 c. two copies of the Notice of Lawsuit and Request for Waiver of Service of
20 Summons;
 - 21 d. a Waiver of Service of Summons; and
 - 22 e. a return envelope, postage prepaid, addressed to the Clerk's Office.
- 23 4. All costs of service shall be advanced by the United States.
- 24 5. The Clerk SHALL assemble the necessary documents to effect service.
- 25 6. Defendant Ohashi shall have **thirty (30) days** within which to return the Waiver
26 of Service of Summons. If Defendant Ohashi timely returns the signed Waiver,
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1 he shall have **sixty (60) days** after the date designated on the Notice of Lawsuit to
2 file and serve an Answer or a motion directed to the Complaint, as permitted by
3 Rule 12 of the Federal Rules of Civil Procedure. **If Defendant Ohashi fails to**
4 **timely return the signed Waiver, he will be personally served with a**
5 **Summons and Complaint, and may be required to pay the full costs of such**
6 **service, pursuant to Rule 4(d)(2).** A Defendant who has been personally served
7 shall file an Answer or motion permitted under Rule 12 within **twenty-one (21)**
8 **days** after service.
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11 7. The Clerk shall mail a copy of this Order to Plaintiff via U.S. Mail.
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13 DATED this 8th day of June 2018.
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17 RICARDO S. MARTINEZ
18 CHIEF UNITED STATES DISTRICT JUDGE
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